IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 3323 of 1995

MAHENDRA SINGH
V/S
DIVISIONAL COMMISSIONER,JODHPUR & ORS

Mr. Ramit MEHTA, for the appellant / petitioner

Mrs.R.R.Kanwar, AGA, for the respondents.

Date of Order : 11.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

The petitioner, by this petition, seeks to challenge the orders passed by the Divisional Commissioner in proceedings taken under the Urban Land (Ceiling and Regulation) Act, 1976.

It is contended by the learned counsel for the respondents that the said Act has been repealed by the Urban Land (Ceiling and Regulation) Repeal Act, 1999 (Central Act No.15 of 1999) dated 22nd March, 1999 and that Act has been adopted by the State Government vide Notification published in the Official Gazette dated 11.10.1999 and by virtue of that repeal, all proceedings relating to any order made under the Principal Act pending immediately before the commencement of the Repealing Act,

before any Court, the Tribunal or other Authority abates and, therefore, this writ petition also abates.

To this, learned counsel for the petitioner submits that in view of the provisions of Sections 3 and 4 of the said Repealing Act, the land of which possession has not been taken over by the State Government, that land continues to be not affected by any orders or provisions of the Principal Act of 1976.

In that view of the matter, the writ petition is disposed of as having abated in view of the repeal of the Principal Act of 1976, with the clarification that whatever land, of which possession has already been taken over by the State Government, before the commencement of the Repealing Act, shall continue to vest with the State Government, however, rest of the land shall not be affected by the provisions of the Principal Act.

The writ petition is disposed of as above.

(N P GUPTA),J.

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